

ASSEMBLY BILL

No. 2727

Introduced by Assembly Member Frazier

February 21, 2014

An act to amend Section 68096.1 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2727, as introduced, Frazier. Courts: witness" local agency employees.

Existing law requires a party who subpoenas an employee of a local agency to attend a civil action or proceeding as a witness in a matter regarding an event or transaction that the employee perceived or investigated, and to which that local agency is not a party, to reimburse the local agency for the employee's salary or compensation and other travel expenses, as specified, incurred in complying with the subpoena. Existing law requires the subpoenaing party to tender \$150 with the subpoena to the local agency for compensation and traveling expenses of the employee for each day that the employee is required to be in attendance at the proceeding pursuant to the subpoena. Existing law provides for adjusting the amount tendered if actual expenses exceed or are less than the \$150 daily amount, as specified.

This bill would increase the amount to be tendered with the subpoena from \$150 to \$275 for each day the employee is required to be in attendance at the proceeding pursuant to the subpoena.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 68096.1 of the Government Code is amended to read:

68096.1. (a) Any employee of a local agency who is obliged by a subpoena to attend a civil action or proceeding as a witness in litigation in a matter regarding an event or transaction—~~which~~ *that* he or she perceived or investigated in the course of his or her duties, to which that local agency is not a party, shall receive the salary or other compensation to which he or she is normally entitled from that local agency during the time that he or she prepares for his or her response and appearance, during the time that he or she travels to and from the place where the court or other tribunal is located and while he or she is required to remain at that place pursuant to the subpoena. He or she shall also receive from that local agency the actual necessary and reasonable traveling expenses he or she incurred in complying with the subpoena.

(b) The party at whose request the subpoena is issued shall reimburse the local agency for the full cost incurred by the local agency in paying the employee his or her salary or other compensation and traveling expenses as provided for in this section, for each day that the employee is required to remain in attendance pursuant to the subpoena. The amount of ~~one hundred fifty dollars (\$150)~~ *two hundred seventy-five dollars (\$275)*, together with the subpoena, shall be tendered to that local agency for each day that the employee is required to remain in attendance pursuant to the subpoena.

(c) If the actual expenses should later prove to be less than the amount tendered, the excess of the amount tendered shall be refunded.

(d) If the actual expenses should later prove to be more than the amount tendered, the difference shall be paid to the local agency by the party at whose request the subpoena was issued.

(e) If a court continues a proceeding on its own motion, no additional witness fee shall be required prior to the issuance of a subpoena or the making of any order directing the employee to appear on the date to which the proceeding is continued.

- 1 (f) As used in this section, “local agency” means a city, county,
- 2 city and county, special district, redevelopment agency, or any
- 3 other political subdivision of the state.

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